

NEW HAMPSHIRE BOARD OF NURSING
MINUTES
May 21, 2015
Philbrook Building
Conference Room B119

1. CALL TO ORDER

The meeting was called to order by Chairman R. Duhaime at 8:00 a.m.

Board Members Present: Chairman Robert Duhaime (RD), Karen Baranowski (KB), Nora Fortin (NF), Kathleen Kidder (KK), Tracey Collins (TC), Roberta Petrin (RP), Ann Finn-Waddell (AF), Beth Fersch (BF), James Kuras (JK), Harley Featherson (HF).

Board Member Absent: Cynthia Smith

Board Staff Present: Denise Nies, Anita Pavlidis, Carol Brody, Susan Goodness, Suzanne Beauchesne. (Laurel O'Connor, Sarah Howlett)

Witnesses: Officer Timothy Vincent, Barnstead Police Department
Raymond Bower, Administrator, Strafford County Riverside Rest Home

Others Present: Jeanne Herrick, Lakes Region Community College
Jeanne Kincaid, Presenter

1.2 Agenda

T. Collins moved, second by N. Fortin, to pull Consent Agenda items identified as 9.2.1 and 9.2.4. Motion passed unanimously.

T. Collins moved, second by H. Featherston, to approve all other Consent Agenda items as presented. Motion passed unanimously.

1.2.1 Additions --

7.2.3 J. Boyd, RN

7.3.4 K. Bridges, RN

1.2.2 Deletions -- None

1.3 Appearances

7.1.1 M. Buffum

10:30 a.m.

7.1.2 E. Donnell

11:00 a.m.

4.3 J. Kincaid

1:00 p.m.

2. APPROVAL OF MINUTES

H. Featherston moved, seconded by N. Fortin, to approve the April 16, 2015 meeting minutes, as amended. Motion passed unanimously. Amend Page 4, motion made and seconded by KK.

3. REPORT OF CHAIR/MEMBERS

A. Finn-Waddell and N. Fortin will not be able to attend next month's meeting.

4. REPORT OF EXECUTIVE DIRECTOR/STAFF

4.1 Expense Summary Budget – FYI

4.2 Disciplinary Fine Report – No Report Provided

4.3 Guest Speaker, Jeanne Kincaid
Will provide a 2-hour presentation scheduled at 1:00 p.m. analyzing the protections afforded by the Americans with Disabilities Act (ADA) for employees suffering from alcohol or drug addictions and the disciplinary procedures employers may use when dealing with employees.

4.4 Rules revision for Nur 400 and 500
D. Nies provided amended wording for Administrative Rule Nur 400. The Board discussed the suggested changes. **N. Fortin moved, second by K. Baranowski, to add verbiage to Nur 402.04 as follows: (4) Permitting the use or disclosure of program information under control of the APRN by a person not authorized to receive it in violation of RSA 318 or administrative rules of the board of pharmacy. Motion passed unanimously.**

The Board discussed Nur 500 regarding Ethical Standards. The Board agreed to review the advisory and take up the issue at a later date. **N. Fortin moved, second by T. Collins, to approve draft wording submitted for Nur 500 addressing APRN responsibilities with the Prescription Drug Management Program. The motion passed unanimously.**

APRN ADVISORY DISCUSSION: The APRN advisory regarding treatment of family or others that are not established clients was discussed for possible inclusion into Nur 500 rules. The Board determined that the advisory should not be added to the rules.

5. ATTORNEY GENERAL – No Report Provided

6. REPORT OF INVESTIGATOR/PROSECUTOR

6.1 Open files

A list of open files as of May 19th reflected a caseload getting down below 100.

7. ADJUDICATION

Adjudicative (Investigator/ Prosecutor)

7.1 Hearings

7.1.1. Hearing held in absentia for M. Buffum, Inactive LNA #050085-24, Docket #14-1027-0444-NA pursuant to the Nurse Practice Act RSA 326-B and the administrative Rules, Chapter 100-800, proceeded at 10:30 a.m. with R. Duhaime, Chair, presiding.

Board Members Present: KB, NF, KK, TC, RP, AF, BF, JK, HF.

Board Staff Present: S. Goodness, S. Beauchesne, L. O'Connor, Counsel

Witness: Officer Timothy Vincent, Barnstead Police Department

Reading of the Notice of Hearing waived. **K. Baranowski moved, second by A. Finn-Waddell, to affirm Hearing Counsel's Proposed Findings of Facts #1 - #10; affirm Hearing Counsel's Proposed Rulings of Law #1 - #3 and add #4 Respondent engaged in professional misconduct by failing to cooperate with a lawful investigation of the Board in violation of RSA 326-B:37, II (m) and/or Nur 402.04(b)(15); affirm Hearing Counsel's Proposed Sanctions #2 - #7; amend Hearing Counsel's Proposed Sanction #1 to REVOKE LNA license for a period not less than five years and assess monetary penalty of \$2,000 to deter future misconduct and to defray costs associated with investigation and prosecution of case. Motion passed unanimously. Hearing concluded at 10:58 a.m.**

7.1.2 Hearing held in absentia for E. Donnell, Inactive RN #064093-21, Docket # 15-0501-0477-NA pursuant to the Nurse Practice Act RSA 326-B and the Administrative Rules, Chapter 100-800, proceeded at 11:00 a.m. with R. Duhaime, Chair, presiding.

Board Members Present: KB, NF, KK, TC, RP, AF, BF, JK, HF.

Board Staff Present: S. Goodness, S. Beauchesne, L. O'Connor, Counsel

Witness: Raymond Bower, Administrator, Straff. Cty. Riverside Rest Home

Reading of Notice of Hearing waived. **B. Fersch moved, second by H. Featherston to affirm Hearing Counsel's Proposed Findings of Facts #1 - #15; affirm Proposed Rulings of Law #1 - #3; affirm Hearing Counsel's Proposed Sanctions #2 - #7; amend Hearing Counsel's**

Proposed Sanction #1 to REVOKE LNA license for a period not less than five years in addition to the monetary penalty of \$1,500. Motion passed unanimously. Hearing concluded at 11:15 p.m.

Pursuant to RSA 91-A:3 II, **N. Fortin moved, second by T. Collins, to enter non-public session for purpose of discussion of alleged licensees misconduct.** Minutes of non-public session shall be sealed. Board voted as follows: Yea: HF, KK, TC, NF, KB, RP, JK, AF, RD, BF. Non-public session began at 11:20 a.m.

7.2 Consent Decree/Settlement Agreement/Voluntary Surrender/Preliminary Agreement for Practice Restrictions

7.2.1 F. Orchard, RN

The Board approved Settlement Agreement signed by Respondent on January 7, 2015

7.2.2 S. Day, LNA

The Board approved Settlement Agreement signed by Respondent on May 8, 2015.

7.2.3 J. Boyd, RN

N. Fortin moved, second by H. Featherston, to approve Voluntary Surrender of License Agreement, together with the Agreement signed by Ms. Boyd on May 15, 2015. Motion passed unanimously.

7.3 Motion for Reconsideration/Rehearing/Continuance/Prehearing Conference Order

7.3.1 S. Landow, RN #066473-21

Motion to Dismiss & Hearing Counsel's Objection

H. Featherston moved, second by N. Fortin, to deny motion to dismiss. Motion passed unanimously.

7.3.2 H. Akins, LPN #016369-22

Prehearing Conference Order

K. Kidder moved, second by T. Collins, that the complaint be dismissed and a letter of concern issued. Motion passed unanimously.

7.3.3 Lakes Region Community College

Continued to July 2015.

7.3.4 K. Bridges, RN

Recommendation for Emergency Suspension of Practice Privileges

K. Kidder moved, second by A. Finn-Waddell, to hear the case on June 5th at 2:00 p.m. Motion passed unanimously.

Pursuant to 91-A:3 II, **A. Finn-Waddell moved, second by N. Fortin, to enter non-public session for the purpose of discussing items 9.2.1 and 9.2.4 pulled from the Consent Agenda.** Minutes of non-public session shall be sealed. Board voted as follows: Yea: HF, KK, TC, NF, KB, RP, JK, AF, RD, BF. Non-public session began at 11:30 a.m.

9.2.1 – N. Fortin moved, second by K. Kidder, to have LNA appear before the Board at its next meeting on June 18, 2015. Motion passed unanimously.

9.2.4 – N. Fortin moved, second by R. Petrin, to have LNA appear before the Board at its next meeting on June 18, 2015. Motion passed unanimously.

N. Fortin moved to re-enter public session at 11:45 a.m., second by R. Petrin. Motion passed unanimously.

7.4 Dismissals (Proposed)

Under Consent Agenda, the Board approved the following dismissals as proposed.

7.4.1 A. C., LPN

7.4.2 M. P., RN

7.4.3 A. B., RN

7.4.4 K. M., RN

7.4.5 V. M., LNA

7.4.6 F. R., RN

7.4.7 T. E., LNA

7.5 Recommendations (Proposed)

Under Consent Agenda, the Board approved the following recommendations as proposed.

7.5.1 M. R., RN

7.5.2 J. C., RN (KB recused)

8. ADJUDICATIVE (EXECUTIVE DIRECTOR)

8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions

8.2 Recommendations (Proposed)

Under Consent Agenda, the Board approved the following recommendations as proposed.

- 8.2.1 K. N. (TC recused)
- 8.2.2 A. W. (BF recused)
- 8.2.3 L. B. (BF recused)
- 8.2.4 K. B. (BF recused)
- 8.2.5 B. C. (BF recused)
- 8.2.6 C. A. (KK recused)
- 8.2.7 D. S. (KK recused)

9. CLINICAL PRACTICE

9.1 Licensure issues

9.2 Licensure – non-appearances

The Board reviewed the following licensure issues and pulled two of the six items listed under Consent Agenda.

- 9.2.1 E. P., LNA initial licensure - **PULLED**
- 9.2.2 J. A., LNA initial licensure
- 9.2.3 J. R., LNA initial licensure
- 9.2.4 S. B., LNA initial licensure - **PULLED**
- 9.2.5 M.C., LNA initial licensure
- 9.2.6 S. P., LNA initial licensure

10. EDUCATION

10.1 Consideration for Approval Status

10.1.1 White Mountains Community College/MNA Program
The Board approved continuation of the program.

10.1.2 River Valley Community College/LNA Program
The Board approved the college's decision to discontinue the program.

10.1.3 Med Pro Educational, LLC/LNA Program

The Board approved MedPro Educational's request to discontinue its LNA program. The Board approved the Train the Trainer program and state testing.

10.1.4 Med Pro Educational, LLC/MNA Program

The Board approved continuation of the program for six months with a site visit (theory and clinical) prior to the end of six months to ensure continued compliance with Nur 800.

10.2 New Programs - None

10.3 Educational Issues

Harmony Healthcare

A. Pavlidis, Program Specialist, asked for a Board member volunteer to accompany her on a site visit to Harmony Healthcare on June 8th. K. Baranowski offered to assist.

10.4 Days of Discussion

RN/LPN Day of Discussion - Scheduled for August 27th with focus on nurse education. SNHU will host the meeting and provide refreshments.

LNA Day of Discussion – Scheduled for June 24th from 9:00 a.m. to 1:30 p.m. in the Walker Building.

10.5 Workforce Center Project

M. Luther and S. Palmieri assisting Board Office with data analytics regarding NH workforce.

11. PRACTICE INQUIRIES and PRACTICE COMMITTEE REPORTS

11.1 Liaison Committee

K. Kidder indicated that the APRN Liaison Committee recommended that a Nurse Practitioner can, with the necessary education, training, and competency, perform a cystoscopy. The Board accepted the recommendation and stated that the procedure is considered similar in process and requirements to colposcopy.

11.2 P&E Committee

N. Fortin stated that the P&E Committee discussed the question of breaking a blister with serous drainage, and recommended to the Board that this is

similar to the advisory on Sharp Conservation Debridement done by a competent certified wound care nurse. The Board discussed the question and voted to approve that it is within the RN scope of practice to perform that task with the necessary training and competency.

11.3 Request for Board Advice

11.3.1 RN/LPN Scope of Practice: Performing assembly, delivery, maintenance, repair and testing of respiratory equipment.

The Board discussed and re-opined that same advisory that if a task is something that a competent member of the public can perform, then a nursing license is not a requirement in order to do the task.

11.3.2 Request for LNA's to provide supplement nutrition.

The Board voted to approve an advisory that LNA's, under nurse delegation, can administer prescribed food based supplements. The agency should have appropriate policies and training/competency in place to address this task.

12. LEGISLATION

Discussion of HB 483, HB 484 and HB2 – Discussed earlier in the meeting.

13. NATIONAL COUNCIL

13.1 New Licensure Compact Summary

The Board overwhelmingly approved the proposed Licensure Compact Provisions.

13.2 2015 Discipline Case Management Conference

Attorney Laurel O'Connor and Sarah Howlett will attend conference in Indianapolis on June 1-3.

14. OLD BUSINESS -- None

15. CORRESPONDENCE/ARTICLES/FYIs

Kudos to Board – Received from NC Board and shared with the Board.

16. ADJOURNMENT

The meeting was adjourned at 3:15 p.m.